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<u>PATENT</u>

Attorney Docket No.: 16222U-011310US

Client Ref. No.: P-00857

TOWNSEND and TOWNSEND and CREW LLP

BY: What I DOWNSEND AND CREW LLP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Paul Spaeth

Application No.: 10/660,328

Filed: September 10, 2003

For: OPT-IN/OPT-OUT IN LOYALTY

SYSTEM

Customer No.: 66945

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Examiner:

Yehdega Retta

Technology Center/Art Unit: 3622

AMENDMENT

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Commissioner:

In response to the Office Action mailed December 15, 2008, please enter the following amendments and remarks:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 10 of this paper.